



Rule 7.2. Generator Responsibilities for Waste Identification

329 IAC 10-7.2-1 Generator responsibilities and waste testing

Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3-1

Affected: IC 13-12; IC 13-19; IC 13-30-2-1

Sec.1. (a) A person who generates a solid waste must perform the waste determination required by 40 CFR 260 through 299 and 40 CFR 761.

(b) Nothing in this section limits the ability of the commissioner to require additional testing for activities other than disposal in a municipal solid waste landfill that meets the requirements of 329 IAC 10-17.

Reasons for this language:

- Provides **clarity** about what is required
- Avoids **multiple, overlapping** standards when a facility is subject to federal requirements, plus requirements in a generating state, plus requirements in a disposal state
- **Fully protective** and **preserves IDEM's authority** to require additional testing

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Sec.1. (a) A person who generates a solid waste must perform the waste determination required by 40 CFR 260 through 299 and 40 CFR 761. ~~identify the contents and properties of the waste to the extent necessary to comply with this article.~~

~~b. A generator may use any of the following to identify the contents and properties of the waste:~~

~~(1) Generator knowledge as defined in 329 IAC 10-2-78.1.~~

~~(2) Waste testing in accordance with section 2 of this rule.~~

~~(c) The commissioner will assume that a person who complies with the other provisions of this article has complied with this section. (Solid Waste Management Board; 329 IAC 10-7.2-1)~~

~~329 IAC 10-7.2-2~~ ~~Waste testing~~

~~Authority: IC 13-14-8-7; IC 13-15-2; IC 13-19-3~~

~~Affected: IC 13-12; IC 13-19; IC 36-9-30~~

~~Sec. 2. (a) When testing is used to identify the contents and properties of a solid waste the generator shall do the following:~~

~~(1) Use test methods from one (1) of the following:~~

~~(A) U.S. Environmental Protection Agency publication SW 846.~~

~~(B) Equivalent methods acceptable to the commissioner.~~

~~(2) Comply with the following for all test methods used:~~

~~(A) Applicable quality assurance and quality control procedures in U.S. Environmental Protection Agency publication SW 846, Chapter 1, "Quality Control".~~

~~(B) The statistical sampling methodology specified in Volume II, Chapter 9, "Sampling Plan" of U.S. environmental Protection Agency publication SW846 to determine the upper confidence limit for each constituent concentration value.~~

~~(b) Wastes must not be combined for testing.~~

~~(eb) Nothing in this section limits the ability of the commissioner to require additional testing for activities other than disposal in a municipal solid waste landfill that meets the requirement of 329 IAC 10-17.~~